

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ROMEYRA RODRIGUEZ,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

Case No. 18-CV-4310 (FB) (PK)

YAYO RESTAURANT CORP. (d/b/a  
EL VIEJO YAYO), DESTINATION  
FOOD CORP. (d/b/a EL VIEJO YAYO),  
and JOSE ADAMES,

Defendants.

-----X

**BLOCK, Senior District Judge:**

Magistrate Judge Kuo issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against the defendants and recommending that plaintiff be awarded damages plus pre- and post-judgment interest. The R&R advised that objections were due within fourteen days of service and warned that “[f]ailure to timely file any just objections waives the right to further judicial review of this Report and Recommendation.” R&R at 19. The R&R was served on the defendants on August 27, 2019. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*,

313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The Court adopts the R&R without de novo review and the Clerk shall enter judgment in favor of the plaintiff and against the defendants, jointly and severally, in the amount of \$16,511.00, plus \$0.56 in pre-judgment interest for every day between April 20, 2018, and the entry of judgment, plus post-judgment interest as provided in 28 U.S.C. § 1961 to run from the date of judgment until judgment is satisfied.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
September 16, 2019